

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001

03 MDL 1570 (RCC)
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THIS DOCUMENT RELATES TO:

***THOMAS E. BURNETT, SR., ET AL. VS. AL BARAKA
INVESTMENT AND DEVELOPMENT CORP., ET AL.
03 CV 9849 (RCC); 03 CV 5738 (RCC)***

**DECLARATION OF JUSTIN B. KAPLAN IN SUPPORT OF PLAINTIFFS'
CONSOLIDATED MEMORANDUM OF LAW IN OPPOSITION TO THE
MOTION TO DISMISS OF SULAIMAN AL RAJHI**

JUSTIN B. KAPLAN declares under penalty of perjury:

1. I am an attorney admitted to practice *pro hac vice* before this Court and am an associate with MOTLEY RICE LLC, counsel for plaintiffs in *Burnett, et al. v. Al Baraka Investment & Development Corp., et al.*, Civil Action Nos. 03 CV 9849 and 03 CV 5738. I submit this declaration to provide the Court with the exhibits on which plaintiffs rely in their Memorandum of Law in Opposition to the Motion to Dismiss of Sulaiman Al Rajhi.

2. Attached as Exhibit 1 is a true and accurate copy of an interview with Youssef Nada conducted on December 6, 2002, by USCS Senior Special Agent David Kane, Group Supervisor Todd Nevins, FBI Special Agent Todd Price, Guardia Della Finanza Marshal Willy Arbus, Colonel Pier Luigi Mancuso and Captain Pagliara in Campione, Italy.

3. Attached as Exhibit 2 is a true and accurate copy of a pleading entitled,

“Re – Amended Defence” in *Al Rajhi Banking and Investment Corporation and The Wall Street Journal Europe SPRL*, Case No. HQ 02X00924, (In the High Court of Justice, Queen’s Bench Division) amended by order of the Honorable Mr. Justice Eady on July 21, 2003.

4. Attached as Exhibit 3 is a true and accurate copy of an annual report of Al Rajhi Banking and Investment Corporation dated 1998.

5. Attached as Exhibit 4 is a true and accurate copy of the testimony of Jonathan M. Winer, former U.S. Deputy Assistant Secretary of State, International Law Enforcement before the United States Senate Committee on Governmental Affairs on July 31, 2003, entitled, “Origins, Organization and Prevention of Terrorist Finance”. This testimony can be found on the Internet at www.iwar.org.uk/cyberterror/resources/terror-financing/073103winer.html.

6. Attached as Exhibit 5 is a true and accurate copy of the testimony of Dr. Dore Gold, President of the Jerusalem Center for Public Affairs and former Israeli Ambassador to the United Nations before the United States Senate Committee on Governmental Affairs on July 31, 2003, entitled, “Saudi Support for International Terrorism: Background and Current Developments”. This testimony can be found on the Internet at www.iwar.org.uk/cyberterror/resources/terror-financing/073103gold.html.

7. Attached as Exhibit 6 is a true and accurate copy of an article entitled, “Tangled Paths” A Sprawling Probe of Terror Funding Centers in Virginia; U.S. Tries to Tie Maze of Firms, Charities Based in Herndon Into a Global Network; Bin Laden’s ‘Golden Chain’” as reported by Glenn R. Simpson of the *Wall Street Journal* on June 21, 2004.

8. Attached as Exhibit 7 is a true and accurate copy of an article entitled, "U.S. Trails Va. Muslim Money, Ties Clues Raise Questions About Terror Funding" as reported by Douglas Farah and John Mintz of the *Washington Post* on October 7, 2002.

9. Attached as Exhibit 8 is a true and accurate copy of an Interpol Fusion Task Force Report entitled, "Financing of Terrorism and Charities – Booklet 3" dated July 2003.

10. Attached as Exhibit 9 is a true and accurate copy of a press release from the United States Department of the Treasury dated August 29, 2002 (PO-3380) entitled "The United States and Italy Designate Twenty-five New Financiers of Terror" and designating Akida Bank Private Limited and Akida Investment Company Ltd. as Specially Designated Global Terrorists. This press release can be found on the Internet at <http://www.ustreas.gov/press/releases/po3380.htm>.

11. Attached as Exhibit 10 is a true and accurate copy of the affidavit of Special Agent David Kane entitled, "(Proposed Redacted) Affidavit in Support of Application for Search Warrant (October 2003)" filed on October 20, 2003, *In the Matter of Searches Involving 555 Grove Street, Herndon, Virginia, and Related Searches* (United States District Court for the Eastern District of Virginia). This affidavit can be found on the Internet at <http://www.usdoj.gov/usao/vae/ArchivePress/OctoberPDFArchive/03/safaaffid102003.pdf>


12. Attached as Exhibit 11 is a true and accurate copy of a report entitled, "Expert Report Concerning the Area – Financial Investigations – relating to the judicial assistance request, ref. no. INV/10289/T09-PH (245), dated 8/27/2002 of the "Office of the Prosecutor" (OTP) of the International Court of Criminal Justice for the former

Yugoslavia relating to the "Third World Relief Agency" (TWRA), Vienna/Austria" from the Federal Office of Criminal Investigation dated August 28, 2003.

13. Attached as Exhibit 12 is a true and accurate copy of a letter from George B. Wolfe, Deputy General Counsel, United States Department of the Treasury to M. Claude Nicatie, Substitut du Procureur General, Switzerland dated January 4, 2002, regarding the Al Taqwa/Nada Management Organization; a letter from Ahmed I. Nasreddin on the letterhead of the Consulate General of Kuwait - Milano to The Manager of the Central Bank of the Bahamas dated February 1, 1983, regarding Suleiman A. Al Rajhi; a letter from Youssef M. Nada to The Manager of the Central Bank of the Bahamas dated February 3, 1983, regarding Suleiman A. Al Rajhi; and a letter from the National Commercial Bank, Batha Branch, Riyadh, K.S.A. to Manager of the Central Bank of the Bahamas dated September 15, 1982, regarding Suleiman A. Al Rajhi.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 28, 2005.


Justin B. Kaplan